

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

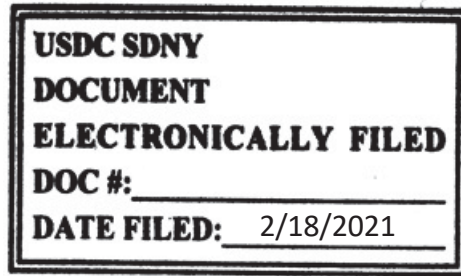
D George Sweigert,

Plaintiff,

-against-

Jason Goodman,

Defendant.



1:18-cv-08653 (VEC) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

On December 7, 2020, the Court ordered Defendant to file proposed interrogatories and document requests no later than January 15, 2021. (12/7/20 Order, ECF No. 173.) The Court warned Defendant that his “failure to timely file such interrogatories and/or document requests may be deemed by the Court to be a waiver of Defendant’s right to obtain discovery in this case.” (*Id.*) In a letter to the Court dated February 15, 2021, Defendant stated that he attempted to file his interrogatories and document requests on February 7, 2021, but that he was unable to do so due to technical difficulties. (Def.’s 2/15/21 Letter, ECF No. 198.) These documents eventually were filed on the electronic docket on February 17, 2021. (See Def.’s Interrogatories, ECF No. 205; Def.’s Document Requests, ECF No. 206.) The same day, Plaintiff filed a letter asking the Court to deem Defendant’s discovery requests waived. (Pl.’s 2/17/21 Letter, ECF No. 207.)

The Court, in its discretion, declines to impose the harsh penalty of waiver based on Defendant’s approximately three-week delay in filing his discovery requests. Indeed, at least some of the discovery sought by Defendant will aid in the orderly disposition of the case. However, as with Plaintiff’s earlier discovery requests, the Court finds that many of Defendant’s

interrogatories and document requests are not relevant to the claims and defenses in this action and/or are not proportional to the needs of the case. Accordingly, it is hereby Ordered as follows:

1. No later than March 31, 2021, Plaintiff shall respond under oath to the following interrogatories:
 - a. Identify every statement made by Defendant that Plaintiff claims was defamatory toward Plaintiff and, for each such statement, provide a citation to a specific source.
 - b. Identify any and all contracts, opportunities, customers, or other business relationships that Plaintiff claims to have lost as a result of the alleged defamation.
2. No later than March 31, 2021, Plaintiff shall produce all documents Plaintiff intends to rely upon to prove damages.

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* parties.

SO ORDERED.

DATED: New York, New York
February 18, 2021



STEWART D. AARON
United States Magistrate Judge